

"transducer elements and said control circuit are configured so as to achieve a combining at each transducer element of the frequency and phase components of the row and column control signals for that transducer element ... ."

The Examiner rejected claim 24 apparently because this language did not include limitations related to "modifying" the phase and frequency of a signal as alluded to in claim 1 (of the patent) for received signals.

In the most recent Response to Office Action, mailed December 23, 2002, the attempt to define the invention as mentioned in the preceding paragraph was abandoned and claim 24 was amended to include limitations found in patented claim 16 and reissued claim 29. These limitations relate to active devices and the manner of combining the row and column control signals. Patentability of claim 24 now rests, in part, on the limitation that

"each transducer element is configured to function as an active device so as to achieve a combining at each transducer element of the frequency and phase components of the row and column control signals for that transducer element ... ."

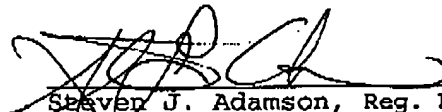
Accordingly, Applicant submits that claim 24 as currently amended (December 23, 2002) includes subject matter that was the basis for allowance of claim 16 of the original patent and claim 29 of the reissue claims and, therefore, is not improper recapture under 35 U.S.C. §251. Applicant respectfully requests entry of the December 23, 2002, Response to Office Action mailed December 23, 2002.

Should the Examiner have any questions or comments regarding the above, he is respectfully requested to contact the undersigned. The Assistant Commissioner is hereby authorized to charge underpayment of any fees (including any filing fees under 37 C.F.R. §1.16 for additional claims and any patent application processing fees under 37 C.F.R. §1.17 including any fee for extension of time) associated with this communication or credit any overpayment to Deposit Account No. 01-0272.

Respectfully submitted,

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